



THE MAKING OF THE CANADIAN CONSTITUTION

ADDRESS
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THE MAKING OF OUR CONSTITUTION

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Generally speaking, Constitutions are of two kinds, written and unwritten. To the former class belong the Constitution of the United States, of the individual States of the Republic, of France, Australia and Canada; to the latter class the Constitution of Great Britain and of nearly all the older political divisions of Europe. It must not be supposed, however, that because a Constitution is unwritten that it is therefore nebulous or inchoate. It may not be codified and subdivided into so many articles or clauses, and yet it may have all the reality and constancy of a more formal declaration of principles and obligations. To know and understand it one must know its history and the civil or religious elements which affected its growth and development. It may be as old as the nation to which it belongs, and as new as the latest event in such a nation's history. A written Constitution is, on the contrary, a fixed and somewhat rigid compact. It is of necessity adapted to the conditions existing at the time of its adoption, as it is impossible to foresee what the future may require. If existing conditions are not varied by change of circumstances, then a written Constitution is quite compatible with the fullest enjoyment of rational Government, otherwise it becomes a source of irritation and restraint to be overcome by amendment or by the interpretation of a Court of last resort established for the purpose, or by the people.

Written Constitutions are usually the outcome of some national cataclysm or political exigency by which a nation is forced, as a matter of self-preservation, to define itself. The American Constitution had such an origin and so had the Canadian Constitution. The political unrest which prevailed in Canada from the time of the conquest suggested to the leading public men of the day ~~m.~~ remedies. The Quebec Act of 1774, it was thought, would set at rest the complaints of the early colonists against the arbitrary government of the Country by a Council selected by the Governor-General. The Quebec Act having failed, the Constitutional Act of 1791 was passed dividing Canada into two Provinces, Upper and Lower, and establishing representative government in each; this also failed because it omitted the fundamental principle of responsible government. After many years of popular discontent and irritation the Union Act of 1841 was passed by which Upper and Lower Canada were united and given equal representation in a common Parliament. The essential weakness of this act was equality of power with inequality of population and resources. Upper Canada claimed representation by population in the Parliament of the Country. To this Lower Canada would not consent. Upper Canada also claimed that local legislation affecting one province should not be forced upon it by the votes of the other province, and that no government was entitled to the confidence of the Country that could not command a majority of the representatives of each province. So strong did the strife between parties grow that from the 21st of May 1862 to the end of June 1864 there were no less than five different governments in charge of the public business. Legislation was, in fact, at a deadlock and it became an absolute political necessity to endeavor to find some practical solution for the difficulty of the situation.

For many years there appeared to be floating in the public mind the vague idea that a union of the British American provinces would give to the colonies a political and national status that would affect vitally their future growth and prosperity. The first distinctive suggestion as to such a union is to be found in Lord Durham's Report to the British House of Commons in 1839. In 1854 the question was discussed in the Nova Scotia House of Assembly by Messrs. Johnston and Howe in speeches of great power. In 1858 Mr. Galt brought the same question before the old Parliament of Canada, but it was not until 1864 that the Federal Union of the British North American provinces came within the sphere of practical politics. In that year a committee of the House, appointed to consider questions of administration, of which the Hon. George Brown was chairman, reported that "A strong feeling was found to exist among the members of the Committee in favor of changes in the direction of a federative system applied either to Canada alone

or to the whole British North American provinces". By a strange coincidence the three maritime provinces, New Brunswick, Nova Scotia and Prince Edward Island, were at the same time considering a union among themselves and had arranged to meet at Charlottetown on the 8th of September of the same year for the purpose of considering the terms on which such a union could be formed. The government of Canada, taking advantage of this state of feeling in the Maritime provinces, appointed a delegation to visit Charlottetown for the purpose of suggesting a larger union, to include Upper and Lower Canada. The larger proposition was very favorably entertained and the Charlottetown Conference accordingly adjourned to meet at the city of Quebec on the 10th day of October following.

The place of meeting was wisely chosen. The City of Quebec had been the scene in former years of many Conferences and meetings for the consideration of public questions. There the old French Governors and Intendants held Court with not a little of the gaiety and glamour of Paris and Versailles. There the Council of State formed after the Conquest, adjudicated upon all matters concerning the good government of the new colony. There the first simulacrum of a Parliament established under the Constitutional Act of 1791 sought with feeble purpose to speak for the people of Quebec, and there, after the retreat from Montreal on the burning of the Parliament Buildings in 1849, Parliament met to wrangle over French domination, and political patronage, and Clergy Reserves, and the woes and wrongs of all who had no share in the offices and emoluments of government. A place, certainly, of many meetings, hostile and friendly, national and local, historical and revolutionary. Let us recall one of these as it affords a striking contrast to the conference now being held. It is the meeting of Saxon and Gaul in mortal struggle for the possession of the strongest military outpost of France.

My story brings us back a little over a hundred years. Quebec was then as now, the Gibraltar of America, rugged and apparently impregnable, beetling high over the placid St. Lawrence. Since her foundation stone was laid by Champlain in 1608 she was the pride and glory of her citizens, and the envy of all the enemies of France. To take Quebec was to complete the conquest of French America, for beyond her walls there was nothing to intercept the invader. But William Pitt the Great Commoner and War Minister must not be defied. British valour must be called upon to scale those heights, silence the guns of His Most Christian Majesty and write in blood, if need be, the title deed of her surrender. On the morning of September the 13th, 1759, the invader and the invaded met in the dim twilight, not for conference as the two races are meeting now, but for battle. It was a meeting of fire and blood and fury. Both leaders staked their lives on the result and lost. With the consecration of the

Plains of Abraham by the blood of Wolfe a fresh page in the history of Canada was opened; with the expiring breath of Montcalm another name was added to the beadroll of French chivalry and heroism; while beneath the beetling cliffs on which the tragedy of an expiring regime of one hundred and fifty years of Colonial government was taking place, the placid St. Lawrence flowed as in the days of Cartier and Champlain, and the autumn sun shimmered from Cape Diamond as cheerily as if the reign of Universal Brotherhood had prevailed upon the earth.

But let us turn aside from this field of battle with all its memories of daring and achievement; let us turn aside from the streets of the old city (old even then) as they echo to the tramp of armed men, where every home is filled with terror and alarm and every heart with emotions which no language can describe; let us turn aside from the pale faces of the two heroes whose memory it would be more than treason to forget, to the City of Quebec as it appeared on the 10th of October 1864.

It is the same city, the St. Lawrence still flows as placidly as it did one hundred years ago, no sounds of battle on the Plains of Abraham, no soldiers on the streets, no roll of musketry, no faces haunted with terror, no conflict of races, no dread of plunder or personal violence. Saxon and Gaul are about to meet again, not to take up the challenge of Sovereignty, not to dispute the ownership of a Continent, but to counsel, each with the other, how in the bonds of a common nationality and brotherhood the vast inheritance which changed its title deeds on the Plains of Abraham, but not its aspirations, can be made more prosperous and happy. How significant the words of Milton "Peace hath her victories not less renowned than war".

Who compose this Conference to which so much significance is attached is now the natural inquiry. Whence do they come? What is their origin? Who compose it? Picked men, the sifted wheat, the leaders (33 in number) in their respective provinces. Their nationality? Do not ask me,—this is not the time for distinguishing in minute detail the invidious distinctions of nationality or pedigree. They are no longer Saxon and Gaul, they are Canadians, and that is pedigree enough for the present purpose, indeed, no better pedigree in Burke's Nobility.

But the members are now assembling. Their faces are turned towards the Parliament Buildings near the citadel (historical ground still) the very Building in which Papineau thundered against the tyranny of Downing Street, where Lord Durham held Court with a view to the conciliation of a troubled people, where Baldwin and Lafontaine discussed the great principles of responsible government. It is not Westminster so sacred to the memory of England's greatest statesmen. But Canada is yet young, her Westminster will be found in due season.

Let us look in at the Conference as assembled. At the head of the table sits Sir Etienne Paschal Taché, the dignified and venerable President of the Conference, Premier of Old Canada and a worthy representative of his race. A hushed feeling as of deep responsibility pervades the room as the conference enters upon its duties. Will this room be the birthplace of a new nation or will faction and disunion dominate its deliberations? That is the uppermost thought in every mind. Think of it! thirty-three men with the future of Canada in their hands; thirty-three men called upon to lay aside provincial, racial and all other prejudices, and to concentrate all the powers of statesmanship and foresight which they possessed in order to rescue Canada from political distraction and to project her into a larger orbit of national life and freedom. No wonder the room is hushed; it is a solemn hour.

Conspicuous among those who seem to feel the burden of responsibility most, stand three men, any one of whom could destroy the object of the Conference—George Brown, John A. MacDonald, and George E. Cartier. They met before now in many a conflict for supremacy. Never did Grecian gladiator strive more earnestly for his rival's blood than they strove for the honours of leadership. Can we divine their thoughts? Is George Brown still thinking of French domination and double majorities and religious intolerance? Does he grasp the magnitude of his present opportunity, the greater range of Canadian statesmanship, the full sweep of Canadian expansion? We shall see. But there he stands, tall, athletic, forceful, intense; no words of denunciation on his lips, no harshness in his voice; he is at the parting of the ways and he knows it. French domination is no longer feared. It is not a question of domination now. It is a question of union and if that union is not accomplished it will not be his fault.

At the opposite side of the table sits John A. MacDonald, alert as in former years, with that keen, penetrating look so characteristic of a man given to the study of political problems and to the balancing of political exigencies. He too, has reached this hour through great tribulation and party strife. His thoughts are evidently of constitutional difficulties, of the division of federal powers between the Provinces and of a union of the whole, in undivided loyalty to the British Crown. Another gladiator disarmed that Canada might be saved.

There sits the other member of this triumvirate, George E. Cartier, trusty leader of his own people, who clung tenaciously through years of conflict to the language and institutions of his race. He appears to feel how much depends upon his course and the risk of all he holds dear in placing himself in the hands of a majority which for all his life he mistrusted. Will he do it? Will he follow the spirit

of the Conference or will he cry "Havoc! and let slip the dogs of war". This too we shall see.

I have dwelt upon the significance of these three men because of their representative character as leaders of political elements on whose coalescence the success of the Conference depends. They were great leaders, they had the gift of statesmanship, without them the Confederation of Canada was impossible, and what would have happened, had they not cast aside the swaddling cloths of the partisan, no one can tell.

Outside this group there are others to be noted, particularly Charles Tupper who so nobly led his own province into Confederation after years of strife; and Samuel Leonard Tilley, who rendered a similar service in the Province of New Brunswick. But I cannot mention them all by name worthy though they be; I must hurry on.

For eighteen days the Conference sat, discussed, reflected, adjourned, met again, proposed resolutions, withdrew them and finally formulated a plan of union in seventy-two resolutions out of which a nation has been born. Eighteen eventful days, the culmination of many years of agitation, but the beginning of a greater Canada than the most sanguine of those who sat around that able ever entertained.

What did they agree upon? By their first resolution they agreed that "The best interests and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain". Mark the words "A Federal Union under the Crown of Great Britain", something never attempted before. Is the Conference making a mistake? Here is another experiment to be made in Nation building in the Western Hemisphere. The first was the Republic of the United States in 1776, not yet through its great Civil War. That was a federal union independent of Great Britain, now it is fighting for its life. This time it is to be a federal union under the British Crown, something unknown to the British Constitution. Would it, too, have to struggle for its existence? But these are bold men; let them alone. They began well. Not annexation, but a union of Canada under the Crown is the corner-stone of the new fabric.

Second Resolution. "Provision shall be made for admission into the Union of Newfoundland, the Northwest Territories, British Columbia and Vancouver". Very good again. It is not to be a fragmentary Canada bounded by the great lakes, important as they are, but it is to be a Canada reaching out to the Pacific, laved by two oceans; no pent-up Utica, but a semi-Continental Canada. Are these men dreaming or have they seen a vision, or are they Seers like the great statesmen who gave England her Constitution, or like the founders of the United States at whose foresight we are lost in wonder and admiration. No. We now know they were not dreamers.

They were the makers of Canada. They were real Empire builders. History is simply repeating itself.

Resolution three. "In framing a Constitution for the general government, the Conference with a view to the perpetuation of our connection with the Mother Country and the promotion of the best interests of the people of these provinces, desire to follow the model of the British Constitution so far as our circumstances will permit". "The perpetuation of our connection with the Mother Country". There we have it again. Can you not tell whose hand traced these words? Are they not the first vibration of that patriotic chord, which, like a Beethoven symphony, thrilled Canadians seventeen years ago, "A British subject I was born and a British subject I shall die". Well said. Though he sleeps in Cataraqui Cemetery, his soul goes marching on.

"We desire to follow the model of the British Constitution." Well, they had a model to begin with a good thing to have, either in Art or in Constitution building. "The British Constitution" a model of ancient workmanship, begun a thousand years ago, but adapted by the genius of the British nation, through the changing centuries, to ever varying conditions. Kings and Queens helped to fashion it, and, although occasionally the principle on which it was designed was disregarded, it has survived the strife of faction, the malice of its enemies, and stands today, in the words of Lord Rosebery, "The greatest power for Righteousness the world has ever seen". Verily a precious model, let us see how it was formed.

Alfred the Great said the British Constitution must be the will of the people, and he gave his Anglo-Saxon followers shires and sheriffs and aldermen and local councils. William the Conqueror said the British Constitution requires the buttress of an aristocracy, hereditary landlords, great estates, inalienable franchises, that its continuity might be preserved, and so we got a refined feudalism. King John said reluctantly and to save his Crown, that the ancient laws of the realm should be preserved and the liberty of the subject inviolate, and gave us Magna Charta. Edward I, said, the people of England, differentiated as three estates of the realm, shall say how England shall be governed, and accordingly he assembled the first Parliament of England for that purpose. Henry VIII said, there shall be no interference in Church or State by any foreign potentate or hierarch, and so the British Constitution became the exponent of religious liberty as determined by the people of England. Queen Elizabeth said, the British Constitution should define the forms of religious worship, and henceforth a State Church became an essential part of its functions. The Stuarts said, the people shall be taxed only as Parliament orders, (but they did not mean it) and no man's liberty shall be restrained except by process of law, (and they didn't mean that either) and so we have Habeas Corpus and the Bill

of Rights. Cromwell said, kings reign with the consent of their subjects, and thereafter the Crown ceased to be an emblem of arbitrary power. William III gave us responsible government, the Act of Settlement and a fuller sovereignty of the Lords and Commons, and under the Houses of Hanover and Brunswick, but notably under our beloved Queen, we entered upon the halcyon days, where, in the words of Burke, "Government by the people, for the people and through the people" is as world wide as the sway of the British Empire.

That was their model, with the cautious proviso "to be adopted as far as circumstances would permit" (for they were dealing with a people to whom personal liberty was very dear), and circumstances would not permit of feudalism, for that had been already abolished by the passing of the Seigniorial Tenure Act and the Law of Primo-geniture. The days of a State Church for Canada had also passed away by the repeal of the Clergy Reserves Act, and so on this score they were equally free. Well might they pause as they considered the model which they were about to copy. Statesmen since the days of the Robert Cecil of Queen Elizabeth to the Robert Cecil of Queen Victoria, well nigh three hundred years, had assisted in strengthening and perfecting that sacred model. The Clarendons and Mansfields and Blackstones and Broughams during the centuries had bestowed upon it the best of their judicial wisdom. Poets from Shakespeare to Tennyson had crowned it with the laurels of their highest genius. Divines had invoked the choicest benedictions of Heaven for its protection. Soldiers and sailors had shed their blood that no ruthless hand should be laid upon it. It surely was a sacred thing. Is it possible that a copy could be made of it "adapted" to Canada's conditions?

The task was not an easy one. All previous Constitutions for Canada were failures. Neither the Quebec Act of 1774, the Constitutional Act of 1791 nor the Union Act of 1841, although drafted by statesmen of highest merit, had satisfied the aspirations of the Canadian people. Could they succeed where Pitt and Lord Russell had failed? It was a bold task, but if they copied the model how could they fail. And so they declared: "That the Executive Government and authority of and over Canada shall continue and be vested in the Queen". Sound British doctrine certainly, to begin with. The Conference is doing well. The Queen of the United Kingdom of Great Britain and Ireland is henceforth to be our Queen, the head of our Executive Government, the fountain of honour, in the words of Bagehot "The signet ring of our Constitution" the Commander-in-Chief of the Army and Navy, if we have one, incapable by the Constitution of doing any wrong, bound by her Coronation oath to do justice to all her subjects high and low, not to oppress them by undue taxation or interfere with their religious

or personal liberties. Let me say again this was a good start. If I may change the simile, at the very outset they sketched upon the canvas the Crown and Sceptre of Great Britain, which, since the great Revolution at least, have never been dishonoured.

But let us follow the copy as it is being drawn. "There shall be a General Legislature or Parliament for the Federative Provinces composed of a Legislative Council (called the Senate under the B. N. A. Act,) and a House of Commons." "A general legislature for the Federation Provinces. That means one Parliament for Canada. Let us pause upon these words. "One Parliament for Canada"; a glorious badge of a glorious union. What does one Parliament for Canada mean? Perhaps we realize that today better than the Conference did forty years ago. One Parliament for Canada means all Canada for the Canadians, the Sovereignty of half a Continent for Canadians, scope for Canadian statesmanship, for Canadian enterprise, for the aspirations of a Canadian democracy nourished developed and directed by the will of the Canadian people and by nobody else. Minor Parliaments for the Provinces may remain with a restricted jurisdiction, but all interests not otherwise assigned are to be vested in one Parliament with a jurisdiction as wide as Canada, and as substantial and as conclusive, so far as the interests of the Empire will permit, as the British Parliament itself. I wonder if the Conference ever thought that the time might come when some similar conference of their own would sit down somewhere and somewhen, as they were doing, with the map of the World before it, to draw up a Constitution with one Parliament for the whole British Empire.

Notice again the expression "A Parliament composed of two branches, A Legislative Council (or Senate) and the House of Commons." Only two estates in our Canadian realm instead of three estates as in England, viz., "Lords Spiritual, Temporal and the House of Commons". Here the model could not be followed. We have no Lords Spiritual for we have no State Church, all the better. So we have only one class of Senators and a House of Commons and so they give us Parliamentary Government, as they have it in England, without a struggle and perhaps I should not say without a struggle either, for we had our troubles and our feuds and incipient rebellions. Still the model is followed in having at least two Houses equally responsible to the people but under different conditions, equally bound to administer the Government of Canada according to the wishes of the people although not equally subject to the fluctuations of that opinion. A Legislative Council appointed for life by the Crown under the Great Seal of Canada, was their idea of a second chamber, representing proportionately the Provinces;—Notice it is an appointed Council, not a hereditary Council or House of Lords as in England, nor an elected Council as in the United States, but a

Council composed of men fairly matured—the minimum age being thirty years. They must be men of modest substance at least. Their duties and honours are to continue during life. They are not to be displaced by the fluctuations of public opinion or the rise and fall of political parties. They are in a certain sense a Court of Appeal, standing between the Agitator and the Constitution, independent of the one and sworn to protect the other. They are joint advisers of His Majesty, with the House of Commons in all matters of legislation, and inherit the example and traditions of the corresponding Chamber in the British Parliament to be followed or avoided as their conscience and the public interests permit.

The House of Commons is the other branch of Parliament. The name suggests a Parliament as founded in England over six hundred years ago. There is much in a name. A Legislature, or a Legislative Assembly, or a House of Representatives, or a Congress, are all good enough in their way, but I prefer the name "Parliament" and "House of Commons." I agree with Principal Tulloch, who said, "Thought must advance, and none need try to check it. But while we advance, let us revere the past, and as we enter the gates of a new era, let us look back with admiration, and, so far as we can, with love, if not regret, to the great figures who stood at the illuminated portals of the old." And where shall we find a Parliament whose portals are more luminous than the portals of the British House of Commons, where, greater figures than Chatham, or Burke, or Pitt, or Peel, or Gladstone, who stood within those portals as the representatives of all that was greatest in statesmanship and most convincing and entralling in oratory. The Canadian House of Commons has great traditions behind it. Shall it be worthy of the name it bears?

Fifth Resolution. "Parliament shall meet annually." Still another view of this model which they are copying. No Long Parliament for Canada—no usurping of its functions by a Star Chamber, or ordinances or Orders-in-Council, promulgated by the King and his advisers, but an Annual Assize of the whole people for the redress of grievances and the maintenance of the State. But Parliament is to be "to meet at such time each year as the advisers of His Majesty's representative may determine, and not at a time fixed by the Constitution, as in the United States. The note here again is liberty of action, elasticity of movement—just like the model. And then Parliament may be dissolved if it is thought best to consult the people on any matter of national importance, or if His Majesty's Privy Councillors have lost the confidence of the people's representatives. Still like the model; still we repeat "Government by and for and through the people."

But again, the Conference declares there shall be a Council "to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada." Here we have another principle of the

British Constitution.—the responsibility of the Privy Council to Parliament as the highest evolution of democratic government. France, after having passed through centuries of conflict, only attained to that high eminence a few years ago, I think in 1884. Germany has not attained to it yet, although recent indications in the German Parliament give promise of such an advance. In the United States, the Executive, which corresponds to our Privy Council, is in no respect responsible to Congress—the name by which the United States Parliament is known. The function of this Council is to aid and advise the Government of Canada. If the aid and advice given is repugnant to the people, new Councillors are called in and the old Council dismissed. By no subterfuge whatever, can the will of Parliament be thwarted for any length of time. If the laws declared by Parliament to be for the public good are not executed as Parliament desires, then the Queen's Privy Council for the time being must give place to others. If the moneys voted by Parliament for public purposes are improperly expended, and Parliament so declares, more faithful stewards of the exchequer must be found.

The Conference did well to retain this feature of the model. Evidently they did not forget the services of a Baldwin and a Lafontaine in the long contest for responsible government, and possibly, too, they had before their mind the declaratic: of Lord Elgin, made in this city of Montreal, that whatever his Council advised him to do with the consent of Parliament, he would consider it his duty to do at any cost—a noble example of courageous and Constitutional statesmanship.

Resolution Six. "Bills for appropriating any part of the Public Revenue, or for imposing any Tax or Import shall originate in the House of Commons." Suppose we call up Charles I and read to him this resolution of the Conference, what would he say? "Bills imposing any Tax shall originate in the House of Commons,"—how absurd! Shall I, the King of England by Divine Right, subordinate my will to a plebeian House of Commons? Not a bit of it. I shall levy 'Ship Money' at my Royal will, and I shall collect it, too—see if I do not." But John Hampden said "No," and that "No" of a humble subject was more powerful than the mandate of the King of England, and wou'd, thank God, be equally powerful to-day. That "No" was uttered two hundred years ago. It cost Charles his head; and so strong is the germinal power of a fundamental principle that it has fertilized the British Constitution from that day to this. It is a good word.—well spoken,—let it stand. Only the people shall tax themselves—not Kings or Presidents, not even hereditary Lords or puissant senators. The public Treasury is the depository of the life-blood of the nation; only the nation, speaking through its representatives, should say how its largess should be bestowed. Patrick Henry, speaking of the invasion of the rights of the thirteen Colonies, because

of taxation without representation, said, in tones of thunder, one hundred and thirty years ago: "Cæsar had his Brutus, Charles I. his Cromwell, and George III."—and then a pause—"may profit by their example." Unhappily, George III. did not profit. But this Conference had studied the "model" better than the old King, and we need no Patrick Henry now to raise a warning voice against unconstitutional taxation.

But the making of a Constitution must go on. The Government of Canada was to be a federation,—so the Conference decided it should be the first day of its meeting. That means that the powers of Government are to be divided between the Central Government and the Provincial Governments. There's the rub. Now, George Brown will be heard from, and so will George Cartier. The two gladiators lay their hands upon their swords,—so far, all was easy, for they had a "model." Now the Conference must make its own model, and the two exponents of Provincial Rights are face to face. "Give me one Chamber for my Province," says Mr. Brown. "I want no Legislative Council to revise the work of the Assembly." "Granted," says Mr. Cartier, "but let me have a double chamber for Quebec." And so the Conference agreed. "Let each Province control its School system," says Mr. Brown. "Granted," says Cartier, "provided you protect the interests of the minority." And the Conference agreed. "Give me representation by population in the House of Commons," says Mr. Brown. "We must be allowed a voice in Ontario according to numbers," "Granted," says Cartier, "provided you guarantee the use of the French language and equal representation in the Senate." And the Conference agreed. "Give me entire control over the revenues of my Province from lands, forests and mines," says Mr. Brown, "without interference from the House of Commons or any other source." "Granted," says Cartier, "provided you agree that the Parliament of Canada shall provide a reasonable sum of money for the maintenance of the Provincial Governments." And the Conference agreed. And so there was a balancing of interests, and a settlement of old disputes, and an adjustment of differences, and the two great protagonists of the old Parliament put up their swords as if ashamed of each other's doubts. The days of duelling were over. The days of mutual forbearance and union had come. Although there was no model to follow in this particular, a working model was designed, which proved the wisdom and statesmanship of the men who sat around that Conference table.

But time would fail if, in a brief half-hour, I attempted to describe the making of our Constitution as it grew from day to day under the moulding hands of the master workmen.

And now the Conference has finished its task at the Conference table. Men who for years regarded each other with distrust, if not

with hostility, learned around that table to understand each other better. A new impulse had been given to their patriotism. Old feuds were buried in the aspirations for a new nationality. To persuade the people for whom this Constitution was prepared was the next task which confronted them. It was a victory not of one race, but of two races for the reconquest of Canada; they were entitled to a discharge with all the honors of war. Farewell, old city of Quebec; farewell, hospitable seigneur and habitant; farewell, old citadel with all thy memories of prowess and renown, thou hast sheltered the makers of a nation; thou mayest now write in golden characters on a scroll already historical, "Here was Canada born."

The Conference has adjourned, but not to idleness or repose. The Constitution which they framed was at this stage like Ezekiel's vision in the valley of dry bones, and the question to be settled was that asked by the old prophet, "Shall these dry bones live?"

Old Parliaments about to be superseded must now be consulted. What will they say? And if approved by them, the British Parliament must be consulted. What will it say? The work of the members of the Conference was not over. Their activity is now to be exercised in other spheres, in some to succeed and in some to fail, perhaps. But the Constitution of which they approved must not miscarry. So the forces of the opposing parties are again mustered, but in separate battalions. In the Maritime Provinces there was a mixture of victory and defeat; Newfoundland and Prince Edward Island would have nothing to do with the new Constitution; New Brunswick hesitated for a season, and finally accepted it. Nova Scotia was militant and antipathetic. In Upper and Lower Canada, opinion was divided, and Parliament was called in February, 1865, that the voice of the people might be authoritatively expressed. It was the first meeting of Parliament in the new Capital at Ottawa, and like the Conference just closed at Quebec, it was a meeting of the past and future of two Canadian Constitutions. Was the old round table to be dissolved? It is not a conference of thirty-three members, but a Conference of one hundred and thirty chosen representatives of the people of old Canada, aided and advised by a Legislative Council, forty-eight of whom were elected, and twenty-three held their seats as nominees of the Crown. Well might we ask, shall the new Parliament Buildings of Canada be dedicated to our greater federation, or shall they continue to be the forum of the partisan and the bigot? The mace is on the table. The Speaker of the Assembly with the Sergeant-at-Arms at his side and the members of the Legislative Assembly around him, take their places. The Governor-General has taken his seat upon the throne. Silence reigns. A special session of the Assembly is being opened. "Honourable Gentlemen of the Legislative Council and Gentlemen of the Assembly". Hush! the Governor-General is speaking:

"With the public men of British North America it now rests to decide whether the vast tract of country which they inhabit shall be consolidated into a State combining within its area all the elements of national greatness, providing for the security of its component parts, and contributing to the strength and stability of the Empire; or whether the several provinces of which it is constituted shall remain in their present fragmentary condition, comparatively powerless of mutual aid, and incapable of taking their proper share of imperial responsibility."

And with these forcible, eloquent words from the lips of the Governor-General (Lord Lisgar) sounding in their ears, the members of the Assembly retire to their own chamber to deliberate what to do.

On the 3rd day of February, 1865, the resolutions adopted at Quebec were submitted to both Houses of Parliament. In the Legislative Council, the resolutions were agreed upon by a vote of 45 to 15. Of the 15 who voted against the resolution, 8 were from Quebec and 7 from Ontario. In the House of Assembly, the resolutions were adopted on a vote of 91 to 33, being opposed by 8 from the Province of Ontario and 25 from the Province of Quebec. And so the action of the Conference was approved after being sifted and criticized in Parliament from the 3rd of February to the 10th of March.

And now for the last stage—two past, and what about the third? The assent of the British Parliament is necessary. And so a delegation of five members of the Government of Canada is authorized to ask the desired assent:—John A. MacDonald, Georges E. Cartier, Wm. McDougall, W. H. Howland and Hector Langevin. There has been a sifting since the Conference at Quebec—from thirty-three to five, and the scene is changed again from modern Ottawa to historic London. From the 4th of December, 1866, to the 24th, the delegates conferred with the Colonial Office, and on the 12th day of February, 1867, Lord Carnarvon, Colonial Secretary, submitted to the House of Lords the Quebec Resolutions, modified in some minor respects, but substantially the same, under the title "An Act for the union of Canada, Nova Scotia and New Brunswick and the government thereof, and for purposes connected therewith." On the 19th of February, the second reading of the Bill was moved, in the course of which the Colonial Secretary gave an admirable exposition of its different sections, and in terms eloquent and terse summed up the purpose of the Bill, as follows:—

"We are laying the foundation of a great State, perhaps one which at a future day may even overshadow this country, but come what may, we shall rejoice that we have shown neither indifference to their wishes nor jealousy of their aspirations, but that honestly and sincerely to the utmost of our power and knowledge, we fostered their growth recognizing in it the conditions of our own greatness,

and are in this measure setting the crown to the free institutions which more than a quarter of a century ago we gave them."

The Lords listened with no little amazement to the expositing of the Bill by the Colonial Secretary. "Is this the Canada," they said, "we heard of in our schoolboy days, that is now proposing to form a Confederation? We thought it was a wild and frozen country, just a few arpents of snow, but the Colonial Secretary says it has a population of over 3,000,000, and is rich in all sorts of agricultural and mineral products. Well, if the Canadians want a new Constitution, let them have it; we like to see the young offshoots from the parent stem prosper."

On the 26th of February, the Bill reached its final stage in the House of Lords, and was sent to the House of Commons in charge of Mr. Adderley, Under-Secretary for the Colonies. On the 28th, it reached a second reading, during which Mr. Adderley, in summing up the objects of the Bill, said:

"I think the time has gone by for either the Parliament or the Government of England to attempt to teach colonies like these (the Canadian Colonies) their interests better than they can judge of them themselves. Was there ever, let me ask, a country so composed by nature to form a great and united community. By their mutual resources and the extension of their different interests, they would make together a strong and prosperous nation. One National Government composed of the best men out of all the Provinces would draw out and develop the resources of the country for the common interest. We are engaged in a great and grave undertaking, no less than liberating to its national destiny and self-reliance and innate growth and expansion, a large portion of the best quarter of this earth. * * * The northern half of this large continent (America), still British, is now asking us to assist them to develop their own strength and resources, and retain connection and partnership of allegiance to one common Sovereign. I have confidence that this House will willingly contribute its sanction to the measure introduced."

On the 4th of March, the Bill was reported, and on the 29th of March, received Her Majesty's assent, and subsequently by Royal Proclamation was brought into force on the 1st day of July, 1867.

And now the goal is reached, the copy is approved, Canada has a new name. It is no longer a Province, it is a Dominion. The delegates in London would have called it the "Kingdom" of Canada, but Lord Derby substituted the name "Dominion," and so it has been ordered. A good name, too, better than "Kingdom" without a King,—a name of good Latin stock, "Dominus," a master. Dominion of Canada, therefore, means the masterhood of Canada; that is, we Canadians are Dominionites, the constitutional masters of Canada. That is what the Conference secured for us, who will not say "God bless the Fathers of Confederation." "Dominion" is a growing name, too, now applied by the Colonial Office to New Zealand, and incorporated into His Majesty's title of "His Majesty's Dominions beyond the Seas."

Forty birthdays have passed since July, 1867, so few and yet how full of promise and optimism and progress. But it is only a single milestone, after all, towards the goal of Canada's full-fruited day of power.

"Pray Heaven our greatness may not fail
Through craven fear of being great."

Her horoscope no man can cast. God alone knows what is in store for her. But there are men who have the Divine Gift of pre-vision, and I leave with you the picture of the future as it fell upon the patriotic eye of these men who had this gift, and who left behind them the legacy of a great character, whose intrinsic value to Canada is at least equal to their fame.

Joseph Howe, May 15th, 1851, at Mason Hall, Halifax, speaking of the Convention of the Intercolonial Railway and the general effect of railway development upon Canada, said:—

"Think you that we shall stop even at the Western bounds of Canada, or even at the shores of the Pacific? Vancouver Island, with its vast coal treasures, lies beyond. The beautiful islands of the Pacific, and the growing commerce of the ocean, are beyond. Populous China and the rich East are beyond, and the sails of our children's children will reflect as familiarly the sunbeams of the South as they now brave the angry tempests of the North. The Maritime Provinces which I now address are but the Atlantic frontage of this boundless and prolific region—the wharves upon which its business will be transacted, and beside which its rich argosies are to lie. I believe that many in this room will live to hear the whistle of the steam engine in the passes of the Rocky Mountains, and to make the journey from Halifax to the Pacific in five or six days.

Hon. A. MacKenzie, in the debate in Parliament on the Quebec Resolutions, February 23rd, 1865:

"I look forward to the future with anticipation of seeing a Country and a Government possessing great power and respectability, and of being, before I die, a citizen of an immense empire built up on our part of the American Continent, where the folds of the British flag will float in triumph over a people possessing freedom, happiness and prosperity, equal to the people of any other nation on the earth"

Lord Dufferin, at Winnipeg, Sept. 27th, 1877:

"In a world apart, secluded from all extraneous influence, nestling at the feet of her Majestic mother, Canada dreams her dream and forbodes her destiny—a dream of ever-broadening harvests, multiplying towns and villages, and expanding pastures; of Constitutional self-government and a Confederated empire; of page after page of honourable history added as her contribution to the Annals of the Mother Country and to the glories of the British race; of a perpetuation for all time upon this continent of that temperate and well-balanced system of government which combines in one mighty whole as the eternal possession of the British race, the brilliant history of the past with the freest and most untrammelled liberty of action in the future."